

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEA TRADE MARITIME CORPORATION and
GEORGE PETERS,

Plaintiffs,

v.

STELIOS COUTSODONTIS, FRANCESCA ELENI
COUTSODONTIS, GENERAL MARITIME
ENTERPRISES CORPORATION, ATTIKA
INTERNATIONAL NAVIGATION S.A., and
IASON SHIPPING LTD.,

Defendants.
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BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

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09 Cv. 488 (BSJ)

Order

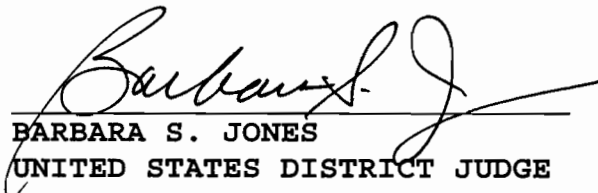
Plaintiffs filed their Amended Complaint on April 3, 2009. Francesca Eleni Coutsodontis¹ was served on May 8, 2009. On February 16, 2011, Plaintiffs filed a Motion for Default Judgment against Francesca Eleni Coutsodontis, because she had not filed an answer. On April 3, 2011, Francesca Eleni Coutsodontis was served with this Motion, and on April 7, 2011, Francesca Eleni Coutsodontis filed her Answer. On April 8, 2011, Plaintiffs sent a letter to the Court asking that the Answer be disregarded for the purposes of the Motion for Default Judgment due to the "twenty-two month default." On April 14, 2011, counsel for Francesca Eleni Coutsodontis responded,

¹ Francesca Eleni Coutsodontis' first name appears to be misspelled in the case caption.

arguing that the delay produced no prejudice and that Francesca Eleni Coutsodontis had a meritorious defense.

"Defaults are not favored, particularly when the case presents issues of fact, and doubts are to be resolved in favor of a trial on the merits While courts are entitled to enforce compliance with the time limits of the Rules by various means, the extreme sanction of a default judgment must remain a weapon of last, rather than first, resort." Meehan v. Snow, 652 F.2d 274, 277 (2d Cir.1981). Given that Plaintiffs have not argued that they were prejudiced and that Francesca Eleni Coutsodontis claims to have a defense to the action, Plaintiffs' Motion for Default Judgment is DENIED.

SO ORDERED:


BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
May 25, 2011